

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Baxley

Mailed: March 30, 2004

Cancellation No. 92027599

CONVERSE INC.

v.

WORLDWIDE KIDS ASSOCIATES,
LTD.

Andrew P. Baxley, Interlocutory Attorney:

The Board notes Anthony Simon's withdrawal as petitioner's counsel herein. Matthew J. Himich of the law firm of Thompson Coburn LLP will continue to represent petitioner herein.

It has come to the attention of the Board that respondent has permitted the registration involved in this proceeding to be cancelled under Trademark Act Section 8, 15 U.S.C. Section 1058.¹

In view thereof, respondent is allowed until **thirty days** from the mailing date of this order to show cause why such cancellation should not be deemed to be the equivalent of a cancellation by request of respondent without the

¹ Involved Registration No. 2073848 became cancelled under Section 8 on March 27, 2004. Respondent's obligation to file its Section 8 affidavit is independent of this proceeding. See *In re Checkers Of North America, Inc.*, 23 USPQ2d 1451 (Comm'r Pats 1992).

consent of the adverse party, and should not result in entry of judgment against respondent as provided by Trademark Rule 2.134(a). In the absence of a showing of good and sufficient cause, judgment may be entered against respondent. See Trademark Rule 2.134(b).

If, in response to this order, respondent submits a showing that its failure to file a Section 8 affidavit was the result of inadvertence or mistake, judgment will not be entered against it.

In that case, petitioner will be given time in which to elect whether it wishes to go forward with the cancellation proceeding, or to have the cancellation proceeding dismissed without prejudice as moot. See *C. H. Guenther & Son Inc. v. Whitewing Ranch Co.*, 8 USPQ2d 1450 (TTAB 1988) and TBMP Section 602.02(b).

Proceedings herein otherwise remain suspended.